

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.905 OF 2006

Ravindra Madhusudan Patade ...Applicant

Versus

The State of Maharashtra

(B.K.C. Police Station, Bandra (E) ...Respondent

.....

Mr.K.T.Thomas for the Applicant.

Ms.M.M.Deshmukh for the Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 17, 2006.

P.C.

1. Heard Counsel for the parties. Perused the application.

2. The Applicant has approached this Court for being released on bail to enable the Applicant to arrange funds for the medical treatment and operation of his mother. The Applicant was granted temporary bail under order dated 23rd August 2005.

It is not in dispute that the Applicant availed of that bail on 6th December 2005 and is enjoying the temporary bail under the said order since then.

3. once again the Applicant has approached this Court on the assertion that the Applicant is the only son and has to look after his ailing mother who is seriously ill. She will have to be operated and for that purpose he should be continued on bail.

4. As mentioned earlier, the Applicant was released on temporary bail under order dated 23rd August 2005 on the sole ground that the Applicant's mother requires immediate medical treatment and that can be provided only if Applicant was to be released for a limited period as was pressed at the relevant time.

5. Insofar as merits is concerned, Applicant's application came to be rejected on November 11, 2005 taking the view that there was ample evidence on record to indicate the complicity of the Applicant in the commission of the alleged

offence. Now, the learned Counsel for the Applicant submits that the Applicant's mother could not be operated and the operation will have to be performed only after the ailment of hypertension and blood pressure of the mother was to be brought under control. For that purpose, reliance is placed on recent medical certificate issued by the Medical Officer of M. W. Desai Memorial Hospital (Corporation Hospital). It is stated in this Certificate that the Applicant's mother was treated as outpatient in the hospital from 27th February 2006 for suffering from hypertension and blood pressure. It is also noted in the Certificate that hysterectomy will be performed on her after blood pressure is brought under control. This Certificate does not at all reveal that what prevented the Applicant from providing necessary medical treatment or to complete the operation procedure within the three months period while he was on bail since December 2005. No reason is forthcoming in that behalf. In my opinion, the Applicant cannot be allowed to continue on bail. As the reason provided in the Application is unacceptable, this Application will have to be

rejected.

6. Counsel for the Applicant, however, submits that the Applicant be released on bail on other grounds available to the Applicant. Inasmuch as, the two accused have already been released on bail and that the Applicant was in jail for almost 15 months period coupled with the fact that the trial has not progressed even an inch. However, with reference to this, the Applicants have not placed on record the orders passed in favour of the co-accused who have been released on bail to consider whether that can be reckoned as changed circumstance. In the circumstances, this Application is rejected.

7. The Applicant is directed to surrender to the concerned Police Station forthwith with liberty to take out further application for bail on the ground of changed circumstance or any other ground permissible by law. That Application will be considered on its own merits in accordance with law.

A.M.KHANWILKAR, J.